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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,758	03/29/2001	Takashi Yamamoto	35.C15234	2682

5514 7590 04/27/2007
FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

LAO, LUN YI

ART UNIT	PAPER NUMBER
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2629

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/819,758

Applicant(s)

YAMAMOTO ET AL.

Examiner

LUN-YI LAO

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 11-14 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 11-14 and 19-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 11-14 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludtke et al(6,421,069) in view of Hahm(5,949,351) and Griesau et al(6,507,306).

As to claims 1-4, 11-14 and 19-22, Ludtke et al teach a communication system comprising a control apparatus(18) adapted to receive an operation panel(81 or 85 or 90) for operating a controlled apparatus from the controlled apparatus(10 or 88, 14 or 84, 19 or 89), and to display the operation panel(81 or 85 or 90) on a display unit(10)(see figures 1-8, 10; column 5, lines 36-68; column 6, lines 1-6; column 8, lines 26-37; column 9, lines 1-68; column 10, lines 1-2 and lines 45-56); and an operation apparatus(404 or 405) having a first operation unit(a mouse or cursor keys for moving a cursor on the operation panel(81 or 85 or 90) and a enter key or a selection key) for operating the operation panel(81 or 85 or 90)(see figures 7-10; column 11, lines 36-48).

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Ludtke et al teach a control unit(18) having a receiving unit(input interface) for receiving a control signal from the operation apparatus(404 or 405), wherein the first command is sent from the control apparatus(18) to the controlled apparatus control(10 or 88, 14 or 84, 19 or 89) , if it is determined that the first operation unit is being operated(see figures 1, 5-10, column 10, lines 3-68; column 11, lines 1-21 and lines 42-48).

Ludtke et al fails to disclose a second operation unit for operating a specific function of a controlled apparatus and the control unit updates the operation panel using data sent from the controlled apparatus to the control apparatus in response to the second command.

Hahm teaches an operation apparatus(100)(see figure 1) comprising an apparatus comprising an operation apparatus having a second operating unit(104, 106, 107); and a control unit(301-305) updates the operation panel(150) using data sent from the controlled apparatus(120, 130, 140) in response to the second command(see figures 1-8, 11; abstract; column 3, lines 56-68; column 4, lines 1-44; column 5, lines 13-68 and column 6, lines 1-33). It would have been obvious to have modified Ludtke et al with the teaching of Hahm, so the operation panel could be presented on a display as needed.

Griesau et al teach an operation apparatus comprising an operation apparatus(keyboard, 30) comprising a first operation unit(45 or cursor keys) and a second operating unit(e.g., 31-33, 50, 38) for operating a specific function(e.g. play, stop, rewind, Volume UP, Volume Down, Channel UP and Channel Down)(see figure 1-2; column 3, lines 30-51; column 5, lines 46-60 and column 6, lines 59-65). It would

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have been obvious to have modified Ludtke et al as modified with the teaching of Griesau et al, so a user could be more rapidly perform a specific function on a controlled apparatus by only presses a key on an operation apparatus without look at a display.

As to claims 2, 12 and 20, Ludtke et al as modified teach the control apparatus(18) for determine which one to the plural display elements(display elements on 81, 85 and 90) in the operation panel is operated(see figures 7-10; column 10, lines 3-68; column 11, lines 1-21 and lines 42-48).

As to claims 3, 13 and 21, Ludtke et al modified teach the control apparatus(18) is adapted to determine whether or nor to move a cursor on the display panel(see figures 7-10; and column 11, lines 42-48).

As to claims 4, 14 and 22, Ludtke et al as modified teach the control apparatus transmit a second command(e.g. Volume Up, Volume Down or Channel Up, Channel Down) to the controlled apparatus(e.g. TV) even the display panel is not display on the display unit(see Ludtke et al's figures 7-10; Griesau's figures 1-2 and column 4, lines 25-47).

Response to Arguments

3. Applicant's arguments with respect to claims 1-4, 11-14 and 19-22 have been considered but are moot in view of the new ground(s) of rejection.

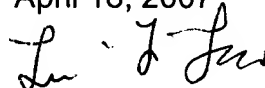
Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lun-yi Lao whose telephone number is 571-272-7671. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 571-272-7681. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 18, 2007



Lun-yi Lao
Primary Examiner